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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,803	02/20/2004	Luis Rossi	G778	7186
39747	7590	09/13/2005	EXAMINER	
GOLDSTEIN LAW OFFICES, P.C. 2071 CLOVE ROAD - 204 STATEN ISLAND, NY 10304			STERLING, AMY JO	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 09/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/783,803

Applicant(s)

ROSSI, LUIS

Examiner

Amy J. Sterling

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This is the **Final Office Action** for application number 10/783,803 Mounting Frame and Mirror Assembly for a Flat Panel Display, filed on 2/20/04. Claims 1-5 and 7 are pending. This **Final Office Action** is in response to applicant's reply dated 7/15/05. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### ***Claim Rejections - 35 USC § 102***

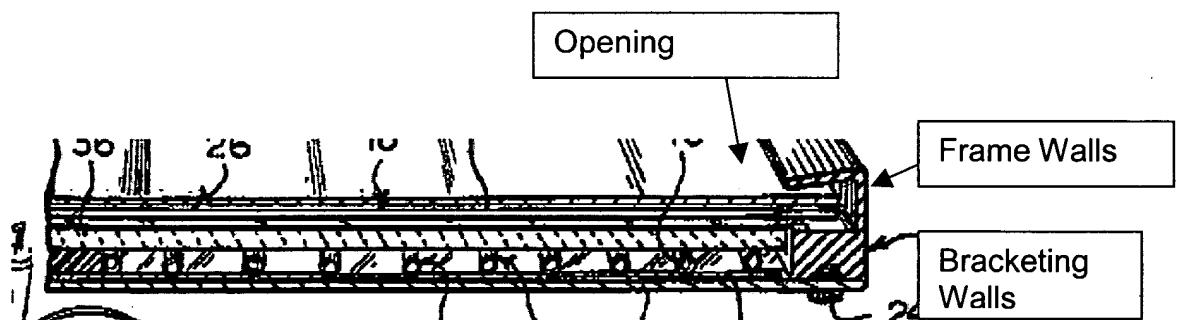
Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 5657563 to Lane.

The patent to Lane discloses a mounting frame and mirror assembly having a mounting frame (10) which is selectively fitted over the flat panel display (16) in order to substantially frame the flat panel display, having peripheral edges, the frame having a substantially rectangular wall flange (22), a substantially rectangular mirror flange (20) wherein the peripheral edges of the display are substantially flush against an inner surface of the mirror flange (20), and four frame walls (upper portion of 12, see Drawing Below) extending therebetween and four bracketing walls (lower portion of 12, See Drawing Below) extending between the mirror flange (20) and the wall flange (22) and defining an enclosure for accommodating the display.

Lane discloses that the mirror flange (20) has edges which together define an opening (See Drawing Below) and a one-way mirror (14) is attached within the opening and is in the proximity of the mirror edges and the inner surface of the mirror flange, the

Art Unit: 3632

mirror having two opposing surfaces, one of which is a reflective surface, wherein after fitting the mounting frame over the flat panel display, the reflective surface of the mirror obscures the flat panel display when the display device is not activated, while allowing the viewer to see the image on the front surface of the flat panel display when the display is activated (See Col. 1 lines 23-27). Lane also discloses wherein the wall flange, the mirror flange, the frame walls and the mirror each have outer surfaces and inner surfaces, wherein after the mounting frame has been selectively fitted over the flat panel display, the inner surfaces face the vertical support structure and the outer surfaces face the viewer.



### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 5657563 to Lane as applied to claims 1-5 above, and in view of United States Patent No. 3851415 to Vihma.

Lane discloses applicant's basic inventive concept, all the elements which are shown above with the exception that it does not show wherein the mounting frame is made from plastic.

Vihma teaches a mounting frame made from plastic (See Col. 1 line 21), plastic used for its lightweight yet durable properties. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made from the teachings of Vihma to have made the mounting frame of plastic in order to have a lightweight yet durable device.

### ***Response to Arguments***

The applicant has argued that the Lane reference does not anticipate the limitation of the "wall flange" because the rejection of portion (22) serves as a backplate and does not function as a flange. This is unpersuasive in that the applicant is arguing the limitation narrower than claimed. Absent any further structural limitation to the "wall flange" except that the flange must be rectangular, the rectangular portion (22) as taught by Lane fits the description of such a limitation.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by

Art Unit: 3632

combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the use of a lightweight material such as plastic was well within the knowledge generally available to one of ordinary skill in the art.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action. Any inquiry concerning this communication should be directed to Amy J. Sterling at telephone number 571-272-6823. The examiner can normally be reached (M-F 8 a.m.-5:00 p.m.). If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Robert Olszewski can

Art Unit: 3632

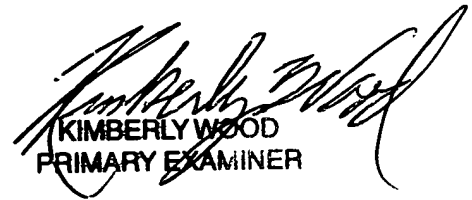
be reached at 571-272-6788. The fax machine number for the Technology center is 7571-273-8300 (formal amendments) or 571-273-6823 (informal amendments and communications). Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist at 571-272-3600.



AJS

Amy J. Sterling

9/2/05



KIMBERLY WOOD  
PRIMARY EXAMINER